

Scr. No. 09/931,650

REMARKS

Applicant graciously appreciates the Office's attention to the instant application. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the pending claims of the instant application. This response is believed to be fully responsive to all issues raised in the July 14, 2004 Office Action. Claims 1-24 are pending and original.

Rejection of Claims 1-24 under 35 U.S.C. §102(e)

In the Office Action mailed July 14, 2004, the Office rejected claims 1-24 as being anticipated by U.S. Patent No. 6,553,405, to Desrochers, filed February 25, 2000, issued April 22, 2003 and referred to herein as the Desrochers reference.

Anticipation is a legal term of art. Applicant notes that in order to provide a valid finding of anticipation, several conditions must be met: (i) the reference must include every element of the claim within the four corners of the reference (see MPEP §2121); (ii) the elements must be set forth as they are recited in the claim (see MPEP §2131); (iii) the teachings of the reference cannot be modified (see MPEP §706.02, stating that "No question of obviousness is present" in conjunction with anticipation); and (iv) the reference must enable the invention as recited in the claim (see MPEP §2121.01). Additionally, (v) these conditions must be simultaneously satisfied.

The §102 rejection of claims 1-24 is believed to be in error. Specifically, the PTO and Federal Circuit provide that §102 anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the anticipation. *Kloster Speedsteel AB, et al. v. Crucible, Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

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1 No §103 rejection has been lodged regarding claims 1-24. Accordingly, if
2 Applicant can demonstrate that the Desrochers reference does not disclose any one
3 claimed element with respect to claims 1-24, the §102 rejections must be
4 withdrawn, and a subsequent non final action made with a different rejection in the
5 event that the Office still finds any of such claims to be not allowable.

6 *Subject Matter of the Instant Application: Different Frameworks*

7 As stated in the Technical Field section of the instant application: "The
8 subject matter relates generally to methods and/or devices for enhancing
9 portability of programming language codes and processed codes." Specification at
10 page 1, lines 8-9. More particularly, subject matter of the instant application
11 includes converters for converting code and methods of converting code.

12 Various exemplary converters and/or methods of the instant application
13 refer to a first framework and a second framework. In all of the examples, the first
14 framework differs from the second framework. For example, the first framework
15 may be a bytecode framework and the second framework may be an intermediate
16 language code framework. See, e.g., Spec. at page 10, line 23 to page 11, line 4.
17 As a further example, consider the specification at page 12, lines 1-4: "The user
18 system 200 has the ability to receive bytecode (or programming language code),
19 convert the bytecode (or programming language code) to IL code, and execute the
20 IL code on a framework different from the bytecode's (or programming language
21 code's) associated framework".

22 Thus, the instant application pertains generally to conversion of code
23 associated with a first framework to a converted code capable of execution on a
24 second framework.
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Claims 1-7

The Office rejected claims 1-7 as being anticipated by the Desrochers reference. For various reasons that follow, Applicant respectfully disagrees and requests reconsideration and allowance of claims 1-7.

Claim 1 recites, in part, "*an initial code associated with a first framework*" and "*a converted code capable of execution on a second framework*". Claims 2-7 depend on claim 1 and thus include code associated with a first framework and code capable of execution on a second framework. In contrast, the Desrochers reference does not disclose a first framework and a second framework as recited in claims 1-7. For this reason alone, Applicant submits that the Desrochers reference cannot anticipate the subject matter of claims 1-7.

Claims 1-7 recite, in part, "*converting the initial code to a converted code capable of execution on a second framework*". In contrast, the Desrochers reference does not disclose converting an initial code to a converted code capable of execution on a second framework. For this reason alone, Applicant submits that the Desrochers reference cannot anticipate the subject matter of claims 1-7.

The Desrochers reference is directed to a single framework, the Java framework and to byte code that resides on two or more machines (not two different frameworks). The Desrochers reference states explicitly that components are implemented in Java; there is absolutely no discussion of another, different framework. For example, the Desrochers reference states:

The present invention is used in the context of self-configurable distributed systems where components are implemented in Java.

Some Java classes, for example, display handlers, are utilized to present information in a Web browser. The display handlers are not necessarily located in the machine where the Web browser is running. They can be remotely located on another machine or multiple machines since they are running a distributed application.

Therefore, the byte code is not located on a single machine.

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Desrochers reference at col. 3, lines 36-44 (emphasis added).

The Desrochers reference discloses a "converter"; however, there is no disclosure or teaching of how this converter could possibly be capable of the converting of claims 1-7. The converter of the Desrochers reference is simply an applet class loader. For example, the Summary of the Invention section of the Desrochers reference states:

The browser includes an integrated class loader which then converts the byte code stream into a Java class directly usable by the applet.

In this way, the applet is able to successfully load a Java class from a location that is different than the applet's originating Web server.

Desrochers reference at col. 2, lines 50-55.

Class loaders for the Java framework are discussed in some detail in the instant application. For example, the instant application states:

When a Web browser encounters an "applet" tag in a Web page, an applet class loader is normally invoked. A JAVA™ language framework associated applet class loader is typically a JAVA™ language class that contains code for fetching an applet's executable code (e.g., bytecode) and classes referenced by the executable code.

Spec. at page 12, lines 21-25.

The Desrouchers reference does not teach that these conventional Java class loaders could be capable of the converting of claims 1-7.

For at least one of the aforementioned reasons, Applicant submits that claims 1-7 are patentable over the Desrochers reference. Applicant respectfully requests reconsideration and allowance of claims 1-7.

Claims 8-11

The Office rejected claims 8-11 as being anticipated by the Desrochers reference. For various reasons that follow, Applicant respectfully disagrees and requests reconsideration and allowance of claims 8-11.

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1 Claim 8 recites, in part, "*an initial code associated with a first framework*"
2 and "*a converted code capable of execution on a second framework*". Claims 9-11
3 depend on claim 8 and thus include code associated with a first framework and
4 code capable of execution on a second framework. In contrast, the Desrochers
5 reference does not disclose a first framework and a second framework as recited in
6 claims 8-11. For this reason alone, Applicant submits that the Desrochers
7 reference cannot anticipate the subject matter of claims 8-11.

8 Claims 8-11 recite, in part, "*converting the initial code to a converted code*
9 *capable of execution on a second framework*". In contrast, the Desrochers
10 reference does not disclose converting an initial code to a converted code capable
11 of execution on a second framework. For this reason alone, Applicant submits
12 that the Desrochers reference cannot anticipate the subject matter of claims 8-11.

13 Claims 8-11 recite, in part, "*converting the referenced class code to a*
14 *converted reference class code capable of execution on the second framework*"
15 where an initial code, associated with a first framework, includes a reference to a
16 referenced class, the referenced class comprising the referenced class code. In
17 contrast, the Desrochers reference does not disclose converting a referenced class
18 code to a converted reference class code capable of execution on a second
19 framework. For this reason alone, Applicant submits that the Desrochers
20 reference cannot anticipate the subject matter of claims 8-11.

21 For at least one of the aforementioned reasons, Applicant submits that
22 claims 8-11 are patentable over the Desrochers reference. Applicant respectfully
23 requests reconsideration and allowance of claims 8-11.
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25 Claims 12-18

The Office rejected claims 12-18 as being anticipated by the Desrochers
reference. For various reasons that follow, Applicant respectfully disagrees and
requests reconsideration and allowance of claims 12-18.

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Claim 12 recites “[a] user system comprising: an applet class loader; a converter; and a framework”. Claims 13-18 depend on claim 12 and thus include the applet class loader and the converter. In contrast, the Desrochers reference does not disclose a user system comprising an applet class loader and a converter as recited in claims 13-18. For this reason alone, Applicant submits that the Desrochers reference cannot anticipate the subject matter of claims 12-18.

As discussed above with reference to claims 1-7, the Desrochers reference discloses an applet class loader that “converts”. For example, the Summary of the Invention section of the Desrochers reference states:

The browser includes an integrated class loader which then converts the byte code stream into a Java class directly usable by the applet.

In this way, the applet is able to successfully load a Java class from a location that is different than the applet's originating Web server.

Desrochers reference at col. 2, lines 50-55.

However, the Desrochers reference does not disclose or teach an applet class loader or a separate converter that acts as a converter described in the instant application and claimed in claims 12-18. Thus, the Desrochers reference does not disclose or teach the converter of claims 12-18.

For at least one of the aforementioned reasons, Applicant submits that claims 12-18 are patentable over the Desrochers reference. Applicant respectfully requests reconsideration and allowance of claims 12-18.

Claims 19-23

The Office rejected claims 19-23 as being anticipated by the Desrochers reference. For various reasons that follow, Applicant respectfully disagrees and requests reconsideration and allowance of claims 19-23.

Claim 19 recites, in part, “an initial code associated with a first framework” and “a converted code capable of execution on a second framework”. Claims 20-23 depend on claim 19 and thus include code associated with a first framework

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1 and code capable of execution on a second framework. In contrast, the Desrochers
2 reference does not disclose a first framework and a second framework as recited in
3 claims 19-23. For this reason alone, Applicant submits that the Desrochers
4 reference cannot anticipate the subject matter of claims 19-23.

5 Claims 19-23 recite, in part, "*conversion means for converting the initial*
6 *code to a converted code capable of execution on a second framework*". In
7 contrast, the Desrochers reference does not disclose or teach converting an initial
8 code to a converted code capable of execution on a second framework. For this
9 reason alone, Applicant submits that the Desrochers reference cannot anticipate
10 the subject matter of claims 19-23.

11 For at least one of the aforementioned reasons, Applicant submits that
12 claims 19-23 are patentable over the Desrochers reference. Applicant respectfully
13 requests reconsideration and allowance of claims 19-23.

14 Claim 24

15 The Office rejected claim 24 as being anticipated by the Desrochers
16 reference. For various reasons that follow, Applicant respectfully disagrees and
17 requests reconsideration and allowance of claim 24.

18 Claim 24 recites, in part, "*an applet associated with a first framework, the*
19 *applet including applet code*" and "*an intermediate language code capable of*
20 *execution on a second framework*". In contrast, the Desrochers reference does not
21 disclose code associated with a first framework and code capable of execution on
22 a second framework as recited in claim 24. For this reason alone, Applicant
23 submits that the Desrochers reference cannot anticipate the subject matter of claim
24 24.

25 The Desrochers reference does not disclose or teach use of "*an intermediate*
26 *language code*" as recited in claim 24. For this reason alone, Applicant submits
27 that the Desrochers reference cannot anticipate the subject matter of claim 24. At
28 page 2, lines 18-21 of the instant application, an example framework (the .NET™

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framework) is disclosed, which allows programmers to code in a variety of object oriented programming languages (OOPLs). At the time of filing the instant application, the multi-OOPL .NETTM framework was centered around an "intermediate" language and, hence, used intermediate language code. The Desrochers reference does not disclose such a code.

Claim 24 recites, in part, "*converting the applet code to an intermediate language code capable of execution on a second framework*". In contrast, the Desrochers reference does not disclose or teach converting an applet code to an intermediate language code. For this reason alone, Applicant submits that the Desrochers reference cannot anticipate the subject matter of claim 24.

For at least one of the aforementioned reasons, Applicant submits that claim 24 is patentable over the Desrochers reference. Applicant respectfully requests reconsideration and allowance of claim 24.

Conclusion

Pending claims 1-24 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

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